

REMARKS

Entry of the foregoing, reexamination and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.111 and in light of the remarks which follow, are respectfully requested.

At the outset, Applicants note with appreciation the indication that claims 2 and 14 would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims (Official Action at page 4).

The present application claims the benefit of foreign priority to Japanese Application No. 2001-205031, filed July 5, 2001. The foreign priority claim is set forth in the Declaration, and a certified copy of the priority document was filed in the Patent Office on November 20, 2001. The Patent Office is respectfully requested to acknowledge the foreign priority claim and receipt of the certified copy of the priority document.

By the above amendments, a substitute abstract has been submitted which constitutes one paragraph. The specification has been amended to correct a typographical error by replacing "atep" with "step." Claims 1 and 12 have been canceled without prejudice or disclaimer. Claim 2 has been amended to be in independent form by incorporating the features of claim 1 therein. Claim 13 has been amended for clarification purposes by replacing the phrase "recession of the movable mold element subsequent to the secondary injection step" with the phrase "drawing back of the movable mold element during the foaming step." Claims 14 and 16 have been amended to depend from claim 2.

Applicants affirm the election with traverse of invention Group I, claims 1-2 and 12-21, for prosecution in the present application.

M.P.E.P. §803 states that an application may be properly restricted to one or more claimed inventions only if (1) the inventions are independent or distinctly claimed, and (2) there is a serious burden on the Examiner if restriction is not required. Thus, even if appropriate reasons exist for requiring restriction, such a requirement should not be made unless there is an undue burden on the Examiner to examine all of the claims in a single application.

In this regard, it appears that the search and examination involved for the two groups of inventions would have substantial overlap. For example, non-elected claims 22-29 are directed to foamed articles of a thermoplastic resin composition, and non-elected claims 30 and 31 are directed to automotive parts as foamed articles. In light of the fact that the elected invention group relates to processes for producing foamed articles of a thermoplastic resin composition, search and examination for the inventions of Groups I and II would seem to overlap. Because of the apparent overlap in search, it appears that a serious burden would not be imposed on the Examiner to examine the invention of Group II, in addition to Group I, in the present application. For at least the above reasons, withdrawal of the restriction requirement and examination of each of the claims of the present application are respectfully requested.

In the Official Action, the abstract stands objected to for containing more than one paragraph. As discussed above, a substitute abstract has been added which constitutes one paragraph. Accordingly, withdrawal of this objection is respectfully requested.

Claims 12, 13, 15, 17, 19 and 21 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for the reasons set forth at page 3 of the Official Action. In this regard, claim 12 has been canceled and claim 13 has been amended to replace the objected-to phrase "recession of the movable mold element subsequent to the secondary injection step" with "drawing back of

the movable mold element during the foaming step." Antecedent basis for this term exists in light of the recitation of such term in claim 1. Accordingly, withdrawal of the §112, second paragraph, rejection is respectfully requested.

Claims 1, 16, 18 and 20 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,252,269 (*Hara et al*) in view of U.S. Patent No. 5,362,226 (*Kataoka et al*). Without addressing the propriety of this rejection, it is respectfully noted that such rejection is moot with regard to claim 1 which has been canceled by the above amendments. In addition, the rejection is moot with respect to claims 16, 18 and 20 in light of the above amendment of claim 16 to depend from claim 2.¹ As mentioned above, the Patent Office has indicated that claim 2 contains allowable subject matter. Accordingly, for at least the above reasons, withdrawal of the present §103(a) rejection is respectfully requested.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited.

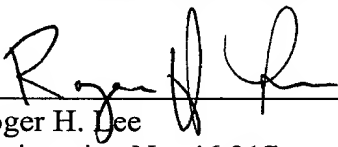
¹Claims 18 and 20 depend from claim 16, and as such, the §103(a) rejection is moot with respect to such claims.

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If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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